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## STATUTORY INSTRUMENTS

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# 2010 No. 2987

## The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Artificial Optical Radiation) Regulations 2010

### PART 2

#### DUTIES OF EMPLOYERS AND OTHERS

##### Health surveillance

9.—(1) The employer must ensure that there are arrangements whereby workers for whom a regulation 6 assessment reveals a risk to health and safety are kept under appropriate health surveillance by a health authority.

(2) The arrangements referred to in paragraph (1) must be sufficient to enable a worker to undergo, if appropriate, relevant health surveillance before exposure and at regular intervals thereafter.

(3) The employer must ensure that the health authority carrying out health surveillance of workers has access to the results of the regulation 6 assessment, where those results may be relevant to the health surveillance.

(4) The employer must ensure that a medical examination is made immediately available to any worker who—

- (a) has, to the employer's knowledge, been subject to exposure in excess of the exposure limit values; or
- (b) is found, as a result of health surveillance, to have an identifiable disease or adverse health effect which is considered by a health authority to be the result of exposure.

(5) Where a medical examination made available under paragraph (4) is carried out in respect of a worker, the health authority must give that worker—

- (a) the result of the medical examination which relates to that worker; and
- (b) information and advice regarding—
  - (i) any health surveillance which that worker should undergo following the end of exposure; and
  - (ii) any protective or preventive measures to be taken in respect of that individual worker.

(6) A health authority which carries out a medical examination—

- (a) must inform the employer of any significant findings of the health surveillance, to the extent that this is consistent with confidentiality; and
- (b) may advise that any other worker who has been similarly exposed should be offered a medical examination.

(7) On being informed of the findings of the health surveillance in accordance with subparagraph (6)(a), the employer must—

- (a) review the regulation 6 assessment and the measures taken to eliminate or reduce risks pursuant to regulation 7;

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**Changes to legislation:** There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Artificial Optical Radiation) Regulations 2010, Section 9. (See end of Document for details)

- (b) take into account the advice of the health authority in implementing any measures to eliminate or reduce risk in accordance with regulation 7; and
- (c) arrange, in respect of any worker who has been similarly exposed—
  - (i) continued health surveillance; and
  - (ii) a review of that worker’s health status.
- (8) The employer must—
  - (a) ensure that for each worker who undergoes health surveillance, an individual health record containing a summary of the results of the health surveillance is made and kept up to date;
  - (b) keep all health records in a form suitable for consultation at a later date, taking into account any confidentiality;
  - (c) supply copies of those health records to a relevant health authority and the Secretary of State on request; and
  - (d) on reasonable notice being given, allow a worker access to that worker’s individual health record.
- (9) In this regulation “health authority” means a doctor, occupational health professional or other authority suitably qualified to undertake the requirements of this regulation.

**Commencement Information**

**II** Reg. 9 in force at 10.1.2011, see [reg. 1](#)

**Status:**

Point in time view as at 10/01/2011.

**Changes to legislation:**

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